

Message

---

**From:** Laycock, Kelly [Laycock.Kelly@epa.gov]  
**Sent:** 4/4/2019 1:49:49 PM  
**To:** McGill, Thomas [McGill.Thomas@epa.gov]; Purify, Johnnie [Purify.Johnnie@epa.gov]  
**Subject:** FW: Florida letter

Kelly Laycock  
Wetlands Regulatory Section  
U.S. Environmental Protection Agency  
61 Forsyth St.  
Atlanta GA, 30303  
phone 404 562 9132

---

**From:** Hurlid, Kathy  
**Sent:** Wednesday, April 3, 2019 1:55 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Laycock, Kelly <Laycock.Kelly@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** Re: Florida letter

I too am available. Also have a new task which is a one pager on FL as Dave is meeting with Sec Valensteine tomorrow.

FYI - Jeananne G. was asked for one pagers on three other water issues. (Corals, offshore O&G and Everglades restoration).

I plan to crib from the RA brief paper.

Sent from my iPhone

On Apr 3, 2019, at 1:27 PM, Kupchan, Simma <Kupchan.Simma@epa.gov> wrote:

## Ex. 5 Deliberative Process (DP)

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Laycock, Kelly  
**Sent:** Wednesday, April 3, 2019 1:11 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Subject:** RE: Florida letter

I have to leave at 5 but I could join a call before that.

Kelly Laycock  
Wetlands Regulatory Section  
U.S. Environmental Protection Agency  
61 Forsyth St.  
Atlanta GA, 30303  
phone 404 562 9132

---

**From:** Kupchan, Simma  
**Sent:** Wednesday, April 3, 2019 1:07 PM  
**To:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Subject:** FW: Florida letter

See below. I am busy until about 4 – anyone free to talk then, by any chance?

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Fotouhi, David  
**Sent:** Wednesday, April 3, 2019 12:54 PM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Cc:** Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>  
**Subject:** RE: Florida letter

Thanks for tracking all of this down, Simma

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Best,

David

**David Fotouhi**

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

---

**From:** Kupchan, Simma  
**Sent:** Tuesday, April 2, 2019 5:21 PM  
**To:** Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>  
**Cc:** Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>  
**Subject:** FW: Florida letter

Hi David,

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

I'd be happy to discuss further. Thanks for your attention in the meantime.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Fotouhi, David  
**Sent:** Monday, April 1, 2019 10:14 AM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>  
**Subject:** RE: Florida letter

Hi, Simma. That timing works for me. Is your plan to float this idea to the team in R4 today so that they can provide their views on the call tomorrow?

**David Fotouhi**

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

---

**From:** Kupchan, Simma  
**Sent:** Monday, April 1, 2019 10:11 AM  
**To:** Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>  
**Subject:** RE: Florida letter

Hi David,

I will discuss Matt's proposal with Region 4. Would it be ok if I got back to you tomorrow afternoon (we have a regularly scheduled call with all of the key Regional players tomorrow morning), or would you like to move faster than that?

Thanks,

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Fotouhi, David

**Sent:** Monday, April 1, 2019 10:03 AM

**To:** Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>;  
Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>

**Subject:** Florida letter

## Ex. 5 Deliberative Process (DP)

**David Fotouhi**

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)